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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,592	12/05/2001	Matthew L. Sharak	1984.NWN	3509
7590	10/17/2003		EXAMINER	
Cynthia L. Foulke NATIONAL STARCH AND CHEMICAL COMPANY 10 Finderne Avenue Bridgewater, NJ 08807-0500			YOON, TAE H	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,592	SHARAK, MATTHEW L.	
	Examiner	Art Unit	
	Tae H Yoon	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Improper Markush language is recited and an insertion of "and" after "yarrow oil" is needed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10-12 and 15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Vick et al (US 5,861,128).

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Vick et al teach a hot melt adhesive composition having an oil such as pine oil therein at col. 2, lines 27-28 and col. 4, line 63 to col. 5, line 12. Thus, the instant invention lacks novelty.

Claims 1-7, 9-13 and 15 are rejected under 35 U.S.C. 103(a) as obvious over Vick et al (US 5,861,128) in view of Misumi et al (US 6,224,899).

The instant invention further recites a modified lavender oil over Vick et al. However, said modified lavender oil which is a mixture of oils is well known in the art as taught by Misumi et al, col. 6, lines 21 to col. 7, line 4.

It would have been obvious to one skilled in the art at the time of invention to utilize the art well known (modified) lavender oil of Misumi et al in Vick et al since Vick et al teach the use of fragrant oils and since the lavender oil in a form of a mixture is well known.

Claims 1-6, 9-13 and 15 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Erdman (US 2003/0100877 A1).

Erdman teaches a hot melt adhesive composition having an oil such as lavender oil therein in [0039]-[0042]. Thus, the instant invention lacks novelty.

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Claims 1-15 are rejected under 35 U.S.C. 103(a) as obvious over Erdman (US 2003/0100877 A1) in view of Misumi et al (US 6,224,899) or Hu et al (US 6,486,229) or Christopher et al (US 2003/0078186).

The instant invention further recites a modified lavender oil and mineral oil over Erdman. However, said modified lavender oil which is a mixture of oils is well known in the art as taught by Misumi et al, col. 6, lines 21 to col. 7, line 4, and the use of a plasticizing or extending oils such as a mineral oil is also well known in the art as taught by Hu et al, col. 5, lines 39 and 50-52. Christopher et al teach various fragrances including oils such as lemon oil, orange oil, grapefruit oil or peppermint oil in claim 6.

It would have been obvious to one skilled in the art at the time of invention to utilize the art well known modified lavender oil of Misumi et al or mineral oil of Hu et al or oil of Christopher et al in Erdman since Erdman teaches the lavender oil and since the lavender oil in a form of a mixture is well known and since the use of a plasticizing or extending oils such as a mineral oil in a hot melt adhesive is a routine practice in the art and since Erdman teaches employing various fragrant oils in [0032].

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baetzold et al (US 5,827,913) in view of Misumi et al (US 6,224,899) or Hu et al (US 6,486,229) or Christopher et al (US 2003/0078186).

Baetzold et al teaches a hot melt adhesive composition having fragrant oils and plasticizer at col. 2, lines 35-67 and in examples (see tables).

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The instant invention further recites a modified lavender oil and mineral oil over Baetzold et al. However, said modified lavender oil which is a mixture of oils is well known in the art as taught by Misumi et al, col. 6, lines 21 to col. 7, line 4, and the use of a plasticizing or extending oils such as a mineral oil is also well known in the art as taught by Hu et al, col. 5, lines 39 and 50-52. Christopher et al teach various fragrances including oils such as lemon oil, orange oil, grapefruit oil or peppermint oil in claim 6.

It would have been obvious to one skilled in the art at the time of invention to utilize the art well known modified lavender oil of Misumi et al or mineral oil of Hu et al or oil of Christopher et al in Baetzold et al since Baetzold et al teach employing fragrant oils and plasticizers and since the lavender oil is the well known fragrant oil since the lavender oil in a form of a mixture is well known and since the use of a plasticizing or extending oils such as a mineral oil in a hot melt adhesive is a routine practice in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Tae H Yoon
Primary Examiner
Art Unit 1714

THY/October 14, 2003